

## EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THURAYYAH Z. RICHARDSON,  
  
Plaintiff,  
  
-against-  
  
DOLLAR TREE, INC and  
FAMILY DOLLAR STORES, INC.,  
  
Defendants.

Index No.  
Date Purchased: May 30, 2022  
  
Plaintiff Designates New York County  
As the place of trial.

**SUMMONS**

Defendants' Address:  
  
Dollar Tree, Inc., and  
Family Dollar Stores, Inc.  
500 Volvo Parkway  
Chesapeake, Virginia 23320

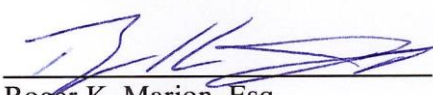
TO THE ABOVE NAMED DEFENDANTS:

**You are hereby summoned** to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Courthouse Address: 60 Centre Street, New York, New York 10007.

Dated: New York, New York  
May 30, 2022

Marion & Allen, P.C.  
*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Roger K. Marion, Esq.  
488 Madison Avenue, Suite 1120  
New York, New York 10022  
212-658-0350

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THURAYYAH Z. RICHARDSON,

Plaintiff,

-against-

DOLLAR TREE, INC and  
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Defendants.

Index No.

**VERIFIED COMPLAINT**

**- Jury Demanded -**

Thurayyah Z. Richardson (“Richardson” or “Plaintiff”) by and through her undersigned counsel, Roger K. Marion of Marion & Allen, P.C., as and for her Verified Complaint against defendants Dollar Tree Inc. and Family Dollar Stores, Inc. (“Defendants”), alleges as follows:

**INTRODUCTION**

1. This is an action to obtain compensation for Defendants marketing and selling a popular hair dye product, specifically the Clairol Texture & Tones 1B Silken Black hair color box, which bears a photograph of Plaintiff, but which Plaintiff did not authorize as required by law, and for which Plaintiff is not receiving compensation. This unjust enrichment is prohibited by law and Plaintiff is entitled to just compensation.

**THE PARTIES**

2. Plaintiff Richardson is a natural person residing in the City, County and State of New York.

3. Richardson is a model, actress, television host, producer, and recording artist who has served as a cover model for the Clairol Texture & Tones 1B Silken Black hair box for the Clairol Beauty Brand since 2003.

4. Defendant Dollar Tree, Inc. (“Dollar Tree”) is a foreign corporation with its headquarters in Virginia, authorized by the NY Department of State Division of Corporations to conduct business in the State of New York.

5. At all times relevant herein Dollar Tree conducts and conducted continuous and substantial business in the City and State of New York.

6. Defendant Family Dollar Stores Inc. (“Family Dollar”) is a foreign corporation which is a wholly-owned subsidiary of Dollar Tree, entirely controlled by Dollar Tree, and operated out of the headquarters of Dollar Tree.

7. Dollar Tree acquired Family Dollar in 2015.

8. At all times relevant herein Family Dollar conducts and conducted continuous and substantial business in the City and State of New York.

#### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over each of the Defendants pursuant to CPLR §§ 301, 302(a)(1) and 302(a)(3).

10. At all times relevant herein Dollar Tree and Family Dollar regularly transacts and transacted substantial business in New York where they own and operate numerous retail stores.

11. At all times relevant herein Dollar Tree and Family Dollar derives and derived substantial revenue from their activities in New York and interstate commerce in New York, and should reasonably expect their activities to have consequences in New York related to those actions.

12. Having registered with the Secretary of State of the State of New York Dollar Tree fully accepted that the Courts of the State of New York would have personal jurisdiction over the Defendants.

13. As set forth below, the causes of action in this matter arose in the City and State of New York.

14. Thus venue in this Court is proper pursuant to CPLR§ 503 (a) and (c) because New York is the county in which one of the parties (Plaintiff) resided when it was commenced and is the county in which a substantial part of the events giving rise to the claim occurred.

**FACTS APPLICABLE TO ALL CAUSES OF ACTION**

**A. Plaintiff's Likeness Used For Clairol Texture & Tones 1B Silken Black**

15. Pursuant to a verbal agreement an subsequent payments, Plaintiff allowed herself for be photographed for her picture to be placed upon the Clairol Texture & Tones 1B Silken Black hair color box for the Clairol Beauty Brand, and that arrangement ended in 2016.

16. Plaintiff has never signed any written agreement permitting her likeness to be printed upon the Clairol Texture & Tones 1B Silken Black hair color box.

17. Plaintiff has not agreed to her likeness being placed upon nor sold upon any product after 2016.

18. Plaintiff never agreed to her likeness being used for print advertisement.

19. Plaintiff never agreed to her likeness being used for any Internet advertisement.

20. Plaintiff never agreed to her likeness being used for Internet marketing.

**B. Defendants Are Using Plaintiff's Image Without Her Consent**

21. Exhibit A is an advertisement promulgated by Defendants via the internet, as observed November 4, 2021 in the State of New York for the Clairol Texture & Tones 1B Silken Black hair color box.

22. The middle box in the top row of hair color boxes in Exhibit A has Plaintiff's image on the front of the box

23. Exhibit B is an advertisement promulgated by Defendants via the internet, as observed April 4, 2022 in the State of New York for the Clairol Texture & Tones 1B Silken Black hair color.

24. The middle box in the top row of hair color boxes in Exhibit B has Plaintiff's image on the front of the box

25. Upon information and belief Defendants continue to use Plaintiff's image to advertise Clairol Texture & Tones 1B Silken Black hair color in the State of New York.

26. Upon information and belief Defendants also continue to sell Clairol Texture & Tones 1B Silken Black hair color in the State of New York with Plaintiff's image on the hair boxes to illustrate and make salable the hair color in that box.

27. If the box were plain without a picture upon it, it would not sell; thus all sales of Clairol Texture & Tones 1B Silken Black hair color in the State of New York are directly due to the use of Plaintiff's image.

28. For purposes of this Complaint all advertising by Defendants using Plaintiff's image to advertise Clairol Texture & Tones 1B Silken Black hair color, including but not limited to the advertising in Exhibit A and Exhibit B are the "Advertisements".

29. Upon information and belief Defendants continue to use Plaintiff's image to profit from the sales of Clairol Texture & Tones 1B Silken Black hair color in the State of New York and worldwide with the benefit of the Advertisements (the "Sales").

30. Plaintiff never gave written consent for use of her image in the Advertisements nor for any use of her image on any box of Clairol Texture & Tones 1B Silken Black hair color manufactured for sale.

31. Plaintiff has never been paid any amount by Defendants at all for the use of her image.

32. No one has Paid Plaintiff any amount for Defendants to use Plaintiff's image in the Advertisements nor for the use of her image on Clairol Texture & Tones 1B Silken Black hair color within the past year.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(Defendants Violation of New York Civil Rights Law §51)**

33. Plaintiff repeats and realleges each of the allegations contained in the paragraphs above with the same force and effect as if fully set forth herein.

34. Upon the facts set forth above it is undisputable that Defendants used and are using Plaintiff's picture within the state of New York for purposes of advertising and trade without Plaintiff's written consent.

35. Based upon New York Civil Rights Law §51, Plaintiff therefore has absolute right to injunctive relief to stop further use of her image and for the recovery of damages against Defendants.

36. Defendants profited from using Plaintiff's image to market and sell Clairol Texture & Tones 1B Silken Black hair color.

37. The image on the box of Clairol Texture & Tones 1B Silken Black hair color is what makes it salable; without an image of what is sold in the box, no boxes of Clairol Texture & Tones 1B Silken Black hair color would have been sold by Defendants.

38. Therefore all profits from Plaintiffs' sale of Clairol Texture & Tones 1B Silken Black hair color are directly attributable to Plaintiff's image being on the box and used in advertising.

39. Plaintiff has sustained and continues to sustain damages as a result of Defendants' unauthorized uses and publication, and reuse and republication of her image for commercial purposes.

40. As a result of Defendants' continued and unauthorized and uncompensated usages of the, Plaintiff's image the Plaintiff has suffered, and will continue to suffer, substantial monetary damages in an amount to be determined by the finder of fact in this action, but upon information and belief not less than five million dollars (\$5,000,000.00), emotional injury and irreparable harm.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(Injunctive Relief)**

41. Plaintiff repeats and realleges each of the allegations contained in the paragraphs above with the same force and effect as if fully set forth herein.

42. Based upon New York Civil Rights Law §51, Plaintiff therefore has absolute right to injunctive relief to stop further use of her image.

43. Even without New York Civil Rights Law §51, in the absence of injunctive relief, Plaintiff will be irreparably harmed personally and in business in that she will forever lose control of her image which will be used without just compensation to herself.



44. Plaintiff has no adequate remedy at law, for the reason that loss of control of Plaintiff's image cannot be adequately compensated by money alone.

45. Under such circumstances equity is strongly in favor of injunctive relief barring further use of Plaintiff's image in commerce until and unless she has given express written consent for such use.

46. Based on the foregoing Plaintiff should be granted injunctive relief barring further use of Plaintiff's image in commerce until and unless she has given express written consent for such use.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(Unjust Enrichment)**

47. Plaintiff repeats and realleges each of the allegations contained in the paragraphs above with the same force and effect as if fully set forth herein.

48. Defendants have benefited from and have been unjustly enriched by their unlawful, unauthorized and improper use of Plaintiff's images to sell Clairol Texture & Tones 1B Silken Black hair color as set forth above.

49. Defendant's unjust enrichment has come at Plaintiff's expense and detriment, and, as such, Plaintiff has suffered damages in an amount to be determined by the finder of fact in this action, but upon information and belief not less than five million dollars (\$5,000,000.00).

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**(Quantum Meruit)**

50. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs with the same force and effect as if the same were fully set forth herein.

51. The fair value of the use of Plaintiff's image by Defendants is not less than the a fair percentage of Plaintiff's sales proceeds from the sale of Clairol Texture & Tones 1B Silken Black hair color from their first sale or advertisement using Plaintiff's image to the date of judgment in this action.

52. Upon information and belief the fair percentage would be ten percent of said sales proceeds.

53. Plaintiff is thus entitled to recover from Defendants, in quantum meruit, for the value of the use of her image, in an amount to be determined at trial, but upon information and belief in no event less than five million dollars (\$5,000,000.00).

**WHEREFORE**, Plaintiff Thurayyah Z. Richardson demands judgment as follows:

A. On the First Cause of Action, awarding a Plaintiff injunctive relief barring Defendants' further use of Plaintiff's image in commerce until and unless she has given express written consent for such use and a judgment awarding Plaintiff damages from the Defendants in an amount not less than five million dollars (\$5,000,000.00);

B. On the Second Cause of Action, awarding Plaintiff injunctive relief barring Defendants' further use of Plaintiff's image in commerce until and unless she has given express written consent for such use;

C. On the Third Cause of Action, awarding Plaintiff a judgment for damages on the basis of unjust enrichment from the Defendants in an amount not less than five million dollars (\$5,000,000.00);

D. On the Fourth Cause of Action, awarding Plaintiff a judgment for damages on the basis of quantum meruit from the Defendants in an amount not less than five million dollars (\$5,000,000.00); and


E. On each Cause of Action, awarding Plaintiff appropriate interest, plus the costs and disbursements incurred herein, and such other and additional relief as the Court deems just and proper.

DEMAND FOR A JURY

Plaintiff hereby demands that all factual issues of liability and damages in this matter which are not determined by summary judgment be determined by a civil jury.

Dated: New York, New York  
May 20, 2022

Marion & Allen, P.C.



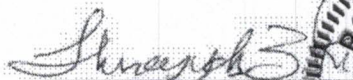
By: Roger K. Marion, Esq.  
488 Madison Avenue, Suite 1120  
New York, New York 10022  
Telephone: 212-658-0350  
Facsimile: 212-308-8582  
E-Mail: rmarion@rogermarion.com  
*Attorneys for Plaintiff*

VERIFICATION

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF NEW YORK    )

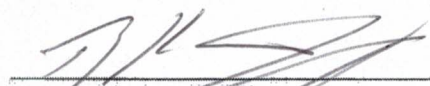
Thurayyah Z. Richardson being duly sworn deposes and says:

I am the Plaintiff in the within proceeding; I have read the foregoing Verified Complaint, know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to the matters, I believe them to be true.

  
Thurayyah Z. Richardson



Sworn to before me this  
21<sup>st</sup> day of May 2022

  
Notary Public

**EXHIBIT A**



clairol textures and tones 1b

 SMART COUPONS

Get Started & Save!

FIND A STORE

FREE Shipping to Your Store: 111 Wagaraw Road, Suit... [edit]

Sign In or Create Account | Track Orders

SHOP BY DEPARTMENT

Explore More

Shop

CATEGORY

Department (6)

Personal Care (6)

Beauty (6)

PRODUCT AVAILABILITY

☒ Online\* (6)

\*Price, Availability, and Selection May Vary by Location.

AVERAGE RATING AND UP

☒ & Up

☒ & Up

☒ & Up

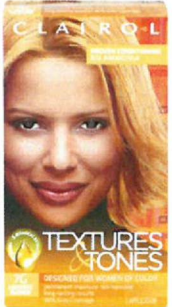
BRAND

COLOR

Products (6) Content (0) Site Information

Sort By Relevance

6 products for "clairol textures and tones 1b"




Clairol Textures & Tones Lightest Blonde Hair Color

\$5.00 each

Online Minimum: 3

★★★★★ 3.9




Clairol Textures & Tones Silken Black Hair Color

\$5.00 each

Online Minimum: 3

★★★★★ 3.9




Clairol Textures & Tones Honey Blonde Hair Color

\$5.00 each

Online Minimum: 3

★★★★★ 3.9

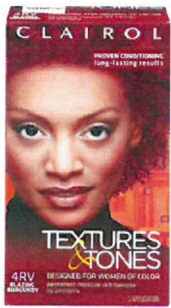


Clairol Textures & Tones Dark Brown Hair Color

\$5.00 each

Online Minimum: 3

★★★★★ 3.9




Clairol Textures & Tones Blazing Burgundy Hair Color

\$5.00 each

Online Minimum: 3

★★★★★ 3.9



Clairol Textures and Tones Black Hair Coloring Kits

\$5.00 each

Online Minimum: 3

★★★★★ 3.9

48 products per page

Page 1 of 1

Customers Also Searched For

dark skin tone el...

tone body wash

christmas elves m...

christmas house p...

christmas house p...

comb thru texturi...

medium skin tone

special moments t...

christmas elves m...

christmas house d...

**EXHIBIT B**

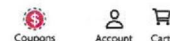




clairol texture and tones 1b



Track Orders Shop **DOLLAR TREE**



All Departments Home, Office & Cleaning Snacks & Beverages Bath, Body & Beauty Seasonal & Party Pet Supplies

Get It Today



**FREE SHIPPING**

When you purchase 2 or more qualifying toys.

Promo Code: **SHIPFREE**

\*Restrictions may apply. See web for details.

#### CATEGORY

Department (6)  
Personal Care (6)  
Beauty (6)

#### PRODUCT AVAILABILITY

☒ Online\* (6)  
\*Price, Availability, and Selection May Vary by Location.

#### AVERAGE RATING AND UP

☒ & Up  
☒ & Up  
☒ & Up

#### BRAND

#### COLOR

Products (6) Content (0) Site Information

Sort By Relevance

6 products for "clairol texture and tones 1b"



Clairol Textures & Tones Lightest Blonde Hair Color

**\$5.25 each**  
Online Minimum: 3

★★★★ 3.9



Clairol Textures & Tones Silken Black Hair Color

**\$5.25 each**  
Online Minimum: 3

★★★★ 4.0



Clairol Textures & Tones Honey Blonde Hair Color

**\$5.25 each**  
Online Minimum: 3

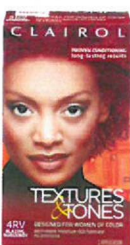
★★★★ 3.9



Clairol Textures & Tones Dark Brown Hair Color

**\$5.25 each**  
Online Minimum: 3

★★★★ 3.9



Clairol Textures & Tones Blazing Burgundy Hair Color

**\$5.25 each**  
Online Minimum: 3

★★★★ 4.0



Clairol Textures and Tones Black Hair Coloring Kits

**\$5.25 each**  
Online Minimum: 3

★★★★ 3.9

48 products per page

< Page 1 of 1 >

#### FOLLOW US



#### FIND A STORE

Enter your location to find a store near you.

Enter ZIP, City, or State

SEARCH

#### FAMILY DOLLAR STORES

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Smart Coupons®  
Ideas & Inspiration  
Store Deals & Finds  
Coronavirus Response

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Boys & Girls Clubs of America Partnership  
Sustainability Report (PDF 7.3MB)

#### CUSTOMER SERVICE

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Item Quick Order  
FAQs  
Coupon Policy  
Return Policy  
Placing Tax-Exempt Orders  
Smart Coupons Terms  
Contact Us  
Product Recalls  
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\*Some restrictions may apply; not available for all store locations or for all products.

Product availability, pricing, and promotions may vary between store locations and online at FamilyDollar.com. Some items may not be available at all store locations or online. Smart Coupons are not accepted online at this time. For products with Smart Coupons, see the relevant coupon for details and exclusions.



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COUNTY OF NEW YORK

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Plaintiff,

-against-

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Defendants.

Index No.


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**SUMMONS AND COMPLAINT WITH EXHIBITS**

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**ROGER K. MARION, ESQ.**  
**MARION & ALLEN PC**  
488 Madison Avenue  
Suite 1120  
New York, New York 10022  
(212) 658-0350  
*Attorneys for Plaintiff*

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the Courts of New York State, certifies that, upon information and belief after reasonable inquiry, the annexed documents and the contents thereof are not frivolous.

  
\_\_\_\_\_  
Roger K. Marion, Esq.